HIGH COURT OF UTARANCHAL AT NAINITAL

Civil Revision No.473 of 2001

1. Anil Kumar
   S/ Sri Satya Pal,
   R/o 62-B, Nashvilla Road,
   Dehradun.
2. Narendra Gupta,
   S/oSri Om Prakash.
3. Ravindra Gupta
   S/o Sri Om Prakash.
4. Om Prakash,
   S/o Sri Bhagat Ram,
   R/o M/s Agrawal Sweet Ship,
   27, Rampur Mandi Road, Chakrata Road,
   Dehradun.
5. Smt. Uma Chandana @ Uma Rani Chandana,
   W/o Late Sri Bharat Lal Chandana,
   R/o Rampur Mandi, Chakrata Road,
   Dehradun. **...Defendants/Applicants.**

Vs

1. Parveen Kumar Chandana,
   S/o Late Sri Bharat Lal Chandana,
   R/o 27 Rampur Mandi Road,
   Chakrata Road, Dehradun.
2. Master Siddharth Chandana (Minor),
   S/o Sri Parveen Kumar Chandana
   R/o 27, Rampur Mandi Road, Chakrata Road,
   Dehradun through his mother and natural guardian
   Smt. Manju Chandana. **....Respondents**

Sri Rajendra Dobhal learned counsel for the applicants
None present for the respondents.

Dated:-19-5-2006

Hon'ble B.S. Verma, J.

Heard Sri Rajendra Dobhal learned counsel for the applicants. None is present for the respondents.

This Civil Revision has been filed against the order dated 25-9-2001 passed by Sri Ganesh Mohan Sharma, Civil Judge (Senior Division), Dehradun, whereby he has rejected the application of the defendant under

Order 7 Rule 11 (b) of C.P.C. in original suit No.643 of 1997 Parveen Kumar Chandana and another Vs. Anil Kumar and others.

The application under Order 7 Rule 11 (b) of C.P.C. was moved by the defendants on the ground t hat the order dated 4-4-2001 by which it was directed to pay the Court fee has not been complied with by the plaintiff/respondent.

The opposite party/plaintiff had field objection of paper No. 96 © (2) in which he had raised the objection that he had already paid the Court's fee. The application was rejected and after paying the Court fee, the plaintiff has also moved an application of consequential amendment regarding the Court fee in compliance of the Court's orders dated 4-4-2001.

In view of the facts that the plaintiff has already paid the Court fee, the application of the revisionist under Order 7 Rule 11 was rejected

The revision h as been field only on the ground that the plaintiff has not complied the Court's order dated 4.4.2001. It reveals from the impugned order passed in Original Suit No.643 of 1997 Parveen Kumar Chandan Vs. Anil Kumar by the learned Civil Judge (Senior Division), Dehradun, the plaintiff has already complied the order of the Court below.

In view of the above facts, the revision is not maintainable as such and is hereby dismissed in limine.

(B.S. Verma,J)

Dated: -19-5-2006

M.K.